

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes changes to Fig. 2. This sheet, which includes Figs 2-3 replaces the original sheet including Figs. 2-3. In Fig. 2, reference numeral "20" has been deleted.

Attachment: Replacement Sheet
Annotated Sheet showing Changes

REMARKS/ARGUMENTS

Claims 1-37 were pending at the time of the mailing of the outstanding Office Action. By this amendment, no claims have been added, cancelled or amended.

In the Office action, the Examiner objected to the drawings because reference numeral 20 is displayed in Fig. 2 and is not described in the specification. An amended drawing sheet that deletes this reference numeral has been submitted. Withdrawal of the objection to the drawings is respectfully requested.

The Examiner has also objected to the abstract as containing legal phraseology, specifically, the word “comprising.” Although the Applicants maintain that such terminology is acceptable, in the interest of economy in prosecution of this application, the abstract has been amended to eliminate the use of the term “comprising” in favor of “includes.” Other changes to the abstract, such as deletion of the phrase “the invention concerns,” have also been made. Withdrawal of the objection to the abstract is respectfully requested.

The Examiner rejected the pending claims under 35 U.S.C. § 103(a) as follows. Claims 1-4, 6-7, 13, 21-23, 25-27 and 29 stand rejected as being obvious over U.S. Publication No. 2004/0241036 to Meyer-Lindenberg et al (hereinafter “Meyer-Lindenberg”). Claims 1, 8-12, 14-17, 19-20 and 30-35 stand rejected as being obvious over U.S. Patent No. 6,979,347 to Wu (hereinafter “Wu”) in view of Meyer-Lindenberg. Claims 5, 24 and 28 are rejected as being obvious over Meyer-Lindenberg in view of U.S. Publication No. 2003/0129074 to Bronfin et al. Finally, claims 18 and 36-37 are rejected as being obvious over Wu in view of Meyer-Lindenberg and further in view of U.S. Patent No. 6,676,697 to Richter.

Common to all of these rejections, is Meyer-Lindenberg. Meyer-Lindenberg is a national stage application of PCT/EP02/06375. However, under 35 U.S.C. § 102, this application is effective as prior art only on the actual publication date. That is, Meyer-Lindenberg

102(e) as of the PCT filing date because the PCT application was not published in English. International Application PCT/EP02/06375 was published in the German language as WO 02/100452, a copy of which is attached hereto.

Furthermore, Meyer-Lindenberg is not prior art under 35 U.S.C. § 102(b) because the publication date of U.S. Publication No. 2004/0241036 is December 2, 2004, which is after the priority date of the present application, November 13, 2002. Likewise, the publication date of International Application No. PCT/EP02/06375 is December 19, 2002, which is also after the priority date of the present application. A certified copy of the priority document was previously provided to the Office. Therefore, Meyer-Lindenberg is not prior art against the application.

To establish a prima facie case of obviousness, three requirements must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. There must also be a reasonable expectation of success and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP § 2143.) Without the teachings of Meyer-Lindenberg, the remaining prior art references cited by the Examiner do not teach or suggest all of the limitations of claims 1-37. Neither do they provide any suggestion or motivation to modify their teachings to arrive at the claimed invention. Therefore, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

The outstanding Office action was mailed on 31 October 2006. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no extension of time or accompanying fee is believed to be due in making this response. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

/John J. Cunniff/

John J. Cunniff
Reg. No 42,451
Hahn Loeser + Parks LLP
One GOJO Plaza
Suite 300
Akron, OH 44311

Attorney for Applicants